

**U.S. Bankruptcy Court
Eastern District of Michigan (Detroit)
Bankruptcy Petition #: 13-53846-swr**

Date filed: 07/18/2013

*Assigned to: Judge Steven W. Rhodes
Chapter 9
Voluntary
No asset*

Debtor In Possession
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WAYNE-MI
Tax ID / EIN: 38-6004606

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Creditor Committee
**Committee of Unsecured
Creditors**
TERMINATED: 03/03/2014

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Charlene Hearn
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Retiree Committee
Official Committee of Retirees

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Filing Date	#	Docket Text
08/13/2013	<u>322</u>	Order for Mediation, Chief District Judge Gerald Rosen is appointed as Mediator . (ckata) (Entered: 08/13/2013)
08/20/2013	<u>527</u>	Amended Order to Certain Parties to Appear for First Mediation Session (RE: related document(s) <u>334</u> Order To Set Hearing). Hearing to be held on 9/17/2013 at 11:00 AM Courtroom 734, U.S. Courthouse, 231 W. Lafayette, Detroit, MI 48226 for <u>334</u> , (jjm) (Entered: 08/20/2013)
09/03/2013	<u>704</u>	Order Directing Additional Parties to Appear for First Mediation Session (RE: related document(s) <u>527</u> Order To Set Hearing). Hearing to be held on 9/17/2013 at 11:00 AM Courtroom 734, U.S. Courthouse, 231 W. Lafayette, Detroit, MI 48226 for <u>527</u> , (jjm) (Entered: 09/03/2013)

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

Chapter 9

City of Detroit, Michigan,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

Mediation Order

Pursuant to 11 U.S.C. § 105, the Court concludes that it is necessary and appropriate to order the parties to engage in the facilitative mediation of any matters that the Court refers in this case. Accordingly, it is ordered:

1. After consultation with the parties involved, the Court may order the parties to engage in any mediation that the Court refers in this case.
2. With his consent, Chief District Judge Gerald Rosen, United States District Court, Eastern District of Michigan, is appointed to serve as judicial mediator in this case for purposes of facilitative mediation. The judicial mediator is authorized to enter any order necessary for the facilitation of mediation proceedings.
3. Chief Judge Rosen may, in his discretion, direct the parties to engage in facilitative mediation on substantive, process and discovery issues, as referred by Judge Rhodes, with such other mediators, judicial or non-judicial, as Chief Judge Rosen may designate. The fees and expenses of any non-judicial mediators shall be shared by the parties as directed by Chief Judge Rosen.
4. All proceedings, discussions, negotiation, and writings incident to mediation shall be privileged and confidential, and shall not be disclosed, filed or placed in evidence.
5. If a settlement is reached, the agreement shall be reduced to writing.
6. If a motion for approval of the settlement under F.R.Bankr.P. 9019 is necessary, the parties shall file it within 14 days after the agreement is fully executed.
7. For each mediation session, the judicial mediator shall have the authority to establish the mediation process, including the submission of documents, the attendance of parties with authority to settle, the procedure governing the mediation, and the schedule for the mediation.

8. The judicial mediator or any mediator appointed by him shall not be called as a witness.
9. All non-judicial mediators appointed under this order shall function as quasi-judicial officers under the authority of the court and are therefore immune from suit.
10. The parties shall make every effort to schedule mediation sessions with the mediator consistent with established hearing dates. The Court will grant a request to adjourn a hearing date to accommodate a mediation session only upon a motion establishing good cause and upon the recommendation of the mediator.
11. After due notice to the parties and pursuant to E.D. Mich. LBR 9029-1, the applicability of E.D. Mich. LBR 7016-2 is suspended in this case to allow the foregoing alternative mediation process. For matters the Court has not referred to mediation, the parties may nonetheless request the court to order mediation under the process established by E.D. Mich. LBR 7016-2.

Signed on August 13, 2013

/s/ Steven Rhodes

**Steven Rhodes
United States Bankruptcy Judge**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Chapter 9

City of Detroit, Michigan,

Case No. 13-53846

Debtor.

/

Hon. Steven W. Rhodes
Hon. Gerald E. Rosen

**AMENDED ORDER TO CERTAIN PARTIES TO APPEAR
FOR FIRST MEDIATION SESSION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on August 20, 2013

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

TO: The City of Detroit/Emergency Manager
General Retirement System
Police and Fire Retirement System
Michigan Council 25 of the American Federation of, State,
County, and Municipal Employees (“AFSCME”)
International Union, UAW
U.S. Bank National Association, as Trustee, Bond Registrar, Transfer Agent,
Paying Agent, Custodian and Contract Administrator
National Public Finance Guarantee Corporation
Syncora Capital Assurance, Inc.
Berkshire Hathaway Reinsurance Group
Assured Guaranty Municipal Corporation
Ambac Assurance Corporation
Financial Guaranty Corporation
The Detroit Fire Fighters Association
The Detroit Police Officers Association
The Detroit Police Lieutenants & Sergeants Association
The Detroit Police Command Officers Association
Downtown Development Authority
The State of Michigan
Michigan Department of Attorney General/Attorney General Bill Schuette

Pursuant to the August 16, 2013 First Order Referring Matters to Facilitative Mediation,

IT IS HEREBY ORDERED the above-named parties shall appear for an **initial mediation session** before the Honorable Gerald E. Rosen, Chief Judge of the United States District Court for the Eastern District of Michigan, in his Courtroom, Room 734 Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan 48226, on **Tuesday, September 17, 2013 at 11:00 a.m.**

IT IS FURTHER ORDERED that, for said mediation session, and for any further session, each party shall be represented by **no more than two (2) attorneys and two (2) party-representatives** who have full authority to engage in settlement negotiations. *See* Local Bankruptcy Rule 7016-2(6); Eastern District of Michigan Local Rule 16.1(c) (“At settlement conferences, all parties must be present, including, in the case of a party represented by an insurer, a claim representative with authority adequate for responsible and effective participation in the conference.”)

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: August 20, 2013

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

In re:

Chapter 9

City of Detroit, Michigan,

Case No. 13-53846

Debtor.

**Hon. Steven W. Rhodes
Hon. Gerald E. Rosen**

**ORDER DIRECTING ADDITIONAL PARTIES
TO APPEAR FOR FIRST MEDIATION SESSION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on September 3, 2013

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

In addition to the parties noticed in the “Amended Order to Certain Parties to Appear for First Mediation Session,” entered on August 20, 2013 [Dkt. # 527],

IT IS HEREBY ORDERED that

- The Official Committee of Retirees,
- Ad Hoc COP Holders,
(Dexia Credit Local, Dexia Holdings, Inc., Norddeutsche Landesbank
Covered Finance Bank, S.A.), and
- EEPK Bank and its affiliates

shall appear for the **mediation session** being held before the Honorable Gerald E. Rosen,
Chief Judge of the United States District Court for the Eastern District of Michigan, in
his Courtroom, Room 734 Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd.,
Detroit, Michigan 48226, on Tuesday, September 17, 2013 at 11:00 a.m.

IT IS FURTHER ORDERED that, for said mediation session, and for any

further session, each party shall be represented by **no more than two (2) attorneys and two (2) party-representatives** who have full authority to engage in settlement negotiations. *See* Local Bankruptcy Rule 7016-2(6); Eastern District of Michigan Local Rule 16.1(c) (“At settlement conferences, all parties must be present, including, in the case of a party represented by an insurer, a claim representative with authority adequate for responsible and effective participation in the conference.”)

IT IS FURTHER ORDERED that on or before **September 6, 2013, 5:00 p.m.** the above-named parties shall each submit a confidential **Mediation Statement**, “for mediator’s eyes, only,” **no more than seven (7) pages in length**, setting forth a concise statement of the party’s position and objectives in mediation. Such statement will not be shared with other parties and, therefore, should provide the mediator with that party’s candid position and objectives.

THE MEDIATION STATEMENT IS NOT TO BE FILED WITH THE BANKRUPTCY COURT, but rather is to be submitted electronically by emailing it to **efile_rosen@mied.uscourts.gov**.

SO ORDERED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: September 3, 2013